

Exhibit A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

LEGACY CAPITAL LTD. and
KHROS LLC,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05286 (CGM)

[PROPOSED] ORDER MODIFYING STIPULATED CASE MANAGEMENT ORDER

WHEREAS, this order modifies certain of the discovery deadlines in the above-captioned adversary proceeding (the “Legacy Case”) commenced by Plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15

U.S.C. § 78aaa–III, and the chapter 7 estate of Bernard L. Madoff against Defendant Legacy Capital Ltd. (“Legacy,” and together with the Trustee, the “Parties”);

WHEREAS, on April 25, 2022, the Court entered an order (Dkt. No. 269) consolidating the Legacy Case and *Picard v. Mayer*, Adv. Pro. No. 20-01316 (CGM) (Bankr. S.D.N.Y.) for all pre-trial matters solely on the issue of Legacy’s good faith;

WHEREAS, Legacy’s good faith is the only issue that remains to be adjudicated in the Legacy Case;

WHEREAS, pursuant to Federal Rules of Civil Procedure 16 and 26, made applicable by Bankruptcy Rules 7016 and 7026, the “Parties, by and through their undersigned counsel, agreed to a Stipulated Case Management Order in the Legacy Case that was entered by this Court on June 10, 2022 (“Stipulated Case Management Order,” Dkt. No. 270);

WHEREAS, the Parties previously agreed in Section 3(c) of the Stipulated Case Management Order that all fact discovery on the issue of Legacy Capital Ltd.’s good faith is to be completed by December 22, 2023 (the “Legacy Good Faith Fact Discovery Cut-Off Date”);

WHEREAS, the Parties previously agreed in Section 3(h) of the Stipulated Case Management Order that all interrogatories are to be served by 45 days before the Legacy Good Faith Fact Discovery Cut-Off Date;

WHEREAS, the Parties previously agreed in Section 3(i) of the Stipulated Case Management Order that all requests for admission are to be served by 45 days before the Legacy Good Faith Fact Discovery Cut-Off Date;

WHEREAS, on September 7, 2023, the Trustee requested a conference regarding the Trustee’s request for an eighteen-month extension of the fact discovery schedule set forth in the Stipulated Amended Case Management Order;

WHEREAS, on October 11, 2023, Defendants responded to the Trustee's September 7, request with a counter-proposal; and

WHEREAS, on October 18, 2023, the Court held a conference to address the Trustee's request for an extension of the fact discovery schedule;

NOW THEREFORE, it is **ORDERED** that

1. The deadline for the Parties to:
 - a. complete all fact discovery, including depositions other than expert depositions, regarding the issue of Legacy's good faith shall be extended to February 5, 2024; and
 - b. serve requests for admission or interrogatories regarding the issue of Legacy's good faith in accordance with Local Bankruptcy Rules 7033-1(a) or 7033-1(b) shall be extended to December 22, 2023.
2. To the extent not modified herein, the provisions of the Stipulated Case Management Order remain in full force and effect.